

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

Mohamed John Akhtar and
La Buca Restaurant, Inc. d/b/a
Swing 46 Jazz and Supper Club,

Plaintiffs,

v.

Eric Adams, Mayor of the City of
New York, Rohit T. Aggarwala, New
York City Department of
Environmental Protection, Eric I.
Eisenberg, and John and Jane
Does One through Thirty,

Defendants.

Case No. 23-cv-6585

Proof of Service

Affirmation in support of Proof of Service of Summons
and Complaint upon Defendant Eric Eisenberg

Anthony N. Iannarelli, an Attorney at Law of the State of New York, affirms to
the truth of the following:

1. On Saturday, November 4, 2023, I attempted to serve a Summons
(Document 12) and Complaint upon defendant Eric Eisenberg at his
residence believed to be located at 145 west 54th Street, New York, New
York 10901.


2. I met with a building superintendent at that location who was familiar with an individual named Eric Eisenberg. The superintendent directed me to a specific apartment where the defendant was believed to reside.
3. There I met with an individual who acknowledged his name was Eric Eisenberg, and he accepted the summons and complaint. Subsequently, I compared my notes with the file description of defendant Eric Eisenberg to that of the individual that accepted the summons and complaint. The descriptions did not match.
4. The following day I spoke by telephone with the individual that had been served the day before. Based upon the information obtained during that conference, I was satisfied that that individual was not the Eric Eisenberg who is the subject of the complaint. Besides not meeting the description of the named defendant Eric Eisenberg, the individual was not an attorney-at-law for which defendant Eric Eisenberg is alleged to be.
5. Later, and upon further investigation, I learned of an address in the same general vicinity where another Eric Eisenberg was believed to reside at 454 West 46th Street, New York, New York 10036.
6. On Thursday, November 9, 2023, I went to that location and was admitted to the premises, which is a “gated community,” by the superintendent who identified himself as Larry Caputo (w/m, 5’8”, aged 50+, short cropped,

grayish hair). I as directed to a dwelling that the superintendent verified where an Eric Eisenberg resided; the superintendent also verified that the occupant was known to be an attorney at law. However, no one appeared to be home at that location.

7. I again spoke with the superintendent and explained I was there to serve a summons and complaint upon defendant Eric Eisenberg. I displayed the documents to the superintendent, and he stated that he would accept the papers in defendant Eisenberg's behalf. He informed me that he would turn over the documents when he next saw defendant Eisenberg.
8. My fees for time spent will be agreed upon by my client at conclusion of case.

I declare under the penalty of perjury that the foregoing information is true and correct.

Dated: November 13, 2023.


Anthony N. Iannarelli Jr.
Attorney at Law of the
State of New York

UNITED STATES DISTRICT COURT

for the

Southern District of New York

Mohamed John Akhtar and
 La Buca Restaurant, Inc. d/b/a
 Swing 46 Jazz and Supper Club,

Plaintiff(s)

v.

Civil Action No. 23-cv-6585

Eric Adams, Mayor of the City of New York, Rohit T.
 Aggarwala, New York City Department of Environmental
 Protection, Eric I. Eisenberg, and John and Jane
 Does One through Thirty,

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Eric I Eisenberg,
 145 West 55th Street
 New York, NY 10019

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Anthony N. Iannarelli Jr.
 Attorney at law
 74 Lafayette Avenue
 Suite 202 #116
 Suffern, New York 10901

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

11/1/2023

Date:

s/ G. Pisarczyk

Signature of Clerk or Deputy Clerk